



Center for Medicaid and State Operations/Survey and Certification Group

Ref: S&C-07-06

DATE: December 7, 2006
TO: State Survey Agency Directors
FROM: Director
Survey and Certification Group
SUBJECT: Hours of Operation for Rural Health Clinics (RHC)

Letter Summary

- This memorandum clarifies how the RHC community can comply with the requirements at 42 CFR 491.8(a)(6) concerning hours of operation, while providing beneficiaries more flexibility in accessing the RHC premises for non-clinical purposes.
- This flexibility allows beneficiaries the ability to come into the waiting room or other non-patient care areas, for example, to handle billing inquiries or to get out of the weather, before the mid-level practitioner, clinical social worker, clinical psychologist or physician member of the staff is present.
- For purposes of this guidance, we are relying upon the definition cited at 42 CFR 493.2 which defines a midlevel practitioner as a nurse midwife, nurse practitioner or physician assistant licensed by the State within which the individual practices.

42 CFR 491.8(a)(6) states that a RHC shall have a physician, nurse practitioner, physician assistant, nurse-midwife, clinical social worker, or clinical psychologist available to furnish patient care services at all times the RHC operates. It further states that at least 50 percent of the time the RHC operates a nurse practitioner, physician assistant, or certified nurse-midwife is available to furnish patient care services.

The Centers for Medicare & Medicaid Services (CMS) has received inquiries from the rural health community regarding the possibility of allowing beneficiaries into the clinic premises for other than patient care, for example to handle billing inquiries or to get out of inclement weather, before the mid-level practitioner, clinical social worker, clinical psychologist or physician member of the staff is present. After careful consideration, CMS believes that accommodating this flexibility while maintaining compliance with the requirements of 42 CFR 491.8(a)(6) is justified. RHCs may allow beneficiary entry to the waiting room or other non-patient care areas

to handle billing inquiries or to get out of the weather when the mid-level practitioner as defined in §493.2, clinical social worker, clinical psychologist or physician member of the staff is not present under the following circumstances:

- An RHC that opens its premises solely to address administrative matters (including allowing patients entry into the building to get out of inclement weather) is not considered to be in operation as an RHC during this period.
- CMS emphasizes that **no health care services shall be provided** until a mid-level practitioner as defined in §493.2, clinical social worker, clinical psychologist or physician staff member is present to provide services. CMS expects that there would be a reasonable time frame between administrative transactions conducted on the premises outside the hours of operation of the RHC and the commencement of RHC operations with the healthcare professional's arrival.
- RHCs that choose to exercise this flexibility should post the hours of administrative services only versus the hours of RHC operations. Signage should clearly delineate the times the mid-level, as defined in §493.2, clinical social worker, clinical psychologist or physician member is present and the RHC is in operation and may provide health care services.
- If State law does not allow access to the RHC premises when the RHC is not in operation as an RHC, the facility must adhere to such laws.

If you have any questions regarding this memorandum, please contact Shonté Carter at (410) 786-3532 or via E-mail at Shonte.Carter@cms.hhs.gov.

Effective Date: Immediately. The State Survey Agencies should disseminate this information within 30 days of the date of this memorandum.

Training: The information contained in this announcement should be shared with relevant survey and certification staff, their managers, and the State/Regional Office training coordinator(s).

/s/

Thomas E. Hamilton

cc: Survey and Certification Regional Office Management (G-5)